

109TH CONGRESS
1ST SESSION

H. R. 1070

To limit the jurisdiction of Federal courts in certain cases and promote federalism.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. ADERHOLT (for himself, Mr. McCOTTER, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, Mr. BACHUS, Mr. RYUN of Kansas, Ms. FOXX, Mr. BARRETT of South Carolina, Mr. WAMP, Mr. WILSON of South Carolina, Mr. ROGERS of Alabama, Mr. PITTS, Mr. EVERETT, Mr. CANNON, Mr. SOUDER, Mr. CANTOR, Mr. PRICE of Georgia, Mr. MCINTYRE, Mr. WELDON of Florida, Mr. JONES of North Carolina, Mr. BISHOP of Utah, Mr. HERGER, Mr. GOODE, Mr. HALL, and Mr. LEWIS of Kentucky) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To limit the jurisdiction of Federal courts in certain cases and promote federalism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Constitution Restora-
5 tion Act of 2005”.

TITLE I—JURISDICTION

SEC. 101. APPELLATE JURISDICTION.

(a) AMENDMENT TO TITLE 28.—Chapter 81 of title 28, United States Code, is amended by adding at the end the following:

“§ 1260. Matters not reviewable

“Notwithstanding any other provision of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity’s, officer’s, or agent’s acknowledgment of God as the sovereign source of law, liberty, or government.”.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 81 of title 28, United States Code, is amended by adding at the end the following:

“1260. Matters not reviewable.”.

SEC. 102. LIMITATIONS ON JURISDICTION.

(a) AMENDMENT TO TITLE 28.—Chapter 85 of title 28, United States Code, is amended by adding at the end of the following:

1 **“§ 1370. Matters that the Supreme Court lacks juris-**
 2 **diction to review**

3 “Notwithstanding any other provision of law, the dis-
 4 trict courts shall not have jurisdiction of a matter if the
 5 Supreme Court does not have jurisdiction to review that
 6 matter by reason of section 1260 of this title.”.

7 (b) TABLE OF SECTIONS.—The table of sections at
 8 the beginning of chapter 85 of title 28, United States
 9 Code, is amended by adding at the end the following:

“1370. Matters that the Supreme Court lacks jurisdiction to review.”.

10 **TITLE II—INTERPRETATION**

11 **SEC. 201. INTERPRETATION OF THE CONSTITUTION.**

12 In interpreting and applying the Constitution of the
 13 United States, a court of the United States may not rely
 14 upon any constitution, law, administrative rule, Executive
 15 order, directive, policy, judicial decision, or any other ac-
 16 tion of any foreign state or international organization or
 17 agency, other than English constitutional and common law
 18 up to the time of the adoption of the Constitution of the
 19 United States.

20 **TITLE III—ENFORCEMENT**

21 **SEC. 301. EXTRAJURISDICTIONAL CASES NOT BINDING ON**
 22 **STATES.**

23 Any decision of a Federal court which has been made
 24 prior to, on, or after the effective date of this Act, to the
 25 extent that the decision relates to an issue removed from

1 Federal jurisdiction under section 1260 or 1370 of title
2 28, United States Code, as added by this Act, is not bind-
3 ing precedent on any State court.

4 **SEC. 302. IMPEACHMENT, CONVICTION, AND REMOVAL OF**
5 **JUDGES FOR CERTAIN**
6 **EXTRAJURISDICTIONAL ACTIVITIES.**

7 To the extent that a justice of the Supreme Court
8 of the United States or any judge of any Federal court
9 engages in any activity that exceeds the jurisdiction of the
10 court of that justice or judge, as the case may be, by rea-
11 son of section 1260 or 1370 of title 28, United States
12 Code, as added by this Act, engaging in that activity shall
13 be deemed to constitute the commission of—

14 (1) an offense for which the judge may be re-
15 moved upon impeachment and conviction; and

16 (2) a breach of the standard of good behavior
17 required by article III, section 1 of the Constitution.

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